

# CHAPTER 1 INTRODUCTION

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## ***A. BACKGROUND***

In 1992, there was a strong movement in the City of San José to establish civilian review of complaints filed against San José police officers. The strength of this movement occurred in the aftermath of the Rodney King incident. The city leaders conducted a nationwide search and evaluated different police oversight models. The San José model incorporated various components from existing programs found in Seattle, Albuquerque and Kansas City. On September 13, 1993, the Office of the Independent Police Auditor<sup>1</sup> (hereafter referred to as “IPA”) was established by the Mayor and the City Council through a city ordinance. The IPA’s objective is to audit the investigations conducted by the San José Police Department (hereafter referred to as “SJPD”) of complaints alleging misconduct by members of the SJPD, and to make recommendations with regard to Police Department policies and procedures.

## ***B. CHARTER CHANGE***

The leadership of the City of San José demonstrated its commitment to the long term existence of independent review of complaints relating to police misconduct and to the auditor model of police oversight by proposing to the voters an amendment to the City Charter.<sup>2</sup> Thus, on November 5, 1996, the citizens of San José voted to have the city charter amended and to give charter status to the IPA, which provides the same protection and autonomy as the City Auditor. The Independent Police Auditor is appointed by the City Council to serve four-year terms subject to removal during a term only by a vote of at least ten of the eleven City Council members. The City Charter can be amended only by a vote in a municipal election; therefore, the elimination of or major changes in the duties and responsibilities of the IPA can occur only by a vote of the people.

## ***C. FUNCTIONS OF THE OFFICE***

The IPA has three primary functions: (1) it serves as an alternative forum where people may file a complaint; (2) it reviews the investigations of complaints conducted by the SJPD; and (3) it promotes public awareness of a person’s right to file a complaint. The Independent Police Auditor routinely meets with various groups and organizations to increase public awareness of the people’s right to file a complaint.

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<sup>1</sup> See Appendix A (City of San José Departments).

<sup>2</sup> See Appendix B (City of San José Charter Amendment).

#### ***D. REPORTING REQUIREMENTS***

The IPA reports are prepared on an annual basis.<sup>3</sup> The Year End Report covers the period from January through December and contains a comprehensive statistical analysis of the entire year. This is the ninth report produced by the IPA pursuant to the requirements of the San José Municipal Code Section 2.06.020c. This section states that the IPA report shall contain, but not be limited to the following:

- A. A statistical analysis documenting the number of complaints by category, the number of complaints sustained, and the actions taken;
- B. An analysis of trends and patterns; and
- C. Specific recommendations for change.

#### ***E. CONTENTS OF THE 1997 YEAR END REPORT***

The following information is included in this report:

- New issue: Blood Samples Taken by Force.
- Updates on Prior Issues and Recommendations.<sup>4</sup>
- Three one-year blocks of statistics comparatively analyzed from January through December for the years 1995 through 1997.
- A statistical background of subject officers and complainants.
- An analysis of complaints and allegations by San José City Council Districts.
- Audit analysis and examples.

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<sup>3</sup> In accordance to the change adopted by the City Council on February 18, 1997.

<sup>4</sup> See Appendix C (IPA's Recommendations).